

NASSAU COUNTY

EQUAL EMPLOYMENT OPPORTUNITY POLICY



STANDARDS AND PROCEDURES

TO BE UTILIZED BY

NASSAU COUNTY AND ITS AGENCIES

EDWARD P. MANGANO
County Executive

MARY ELISABETH OSTERMANN
Director of Equal Employment Opportunity

POLICY/PROCEDURE TITLE: County-wide Policy Human Resources - 03	DATE ISSUED: August 2012
DEPARTMENT ISSUING: Office of Human Resources Office of Equal Employment Opportunity (EEO) 516-571-6176	AUTHORIZED and SIGNED BY: <i>Mary Elisabeth Ostermann</i> Director, EEO
POLICY:	<p>The County of Nassau is committed to a policy of equal opportunity in the workplace that embraces diversity and equality and prohibits illegal discrimination. The County, as set forth herein, will promptly investigate allegations of discrimination or harassment against employees or applicants on the basis of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, genetic information, predisposing genetic characteristic or carrier status, marital status or any other basis protected by law. Nassau County also prohibits sexual harassment in the workplace and, as set forth herein, will promptly investigate allegations of sexual harassment in the workplace.</p> <p>In addition to the prohibitions on discrimination and sexual harassment, it is unlawful to retaliate against an employee for filing a complaint under this policy or participating in the investigation of a complaint. Allegations of retaliation will be investigated in the same manner as reports of discrimination or harassment.</p> <p>Nassau County will not discriminate against people with disabilities in regard to any employment practice or terms, conditions, and privileges of employment. The County, in accordance with law, will make reasonable accommodations to otherwise qualified applicants and employees with disabilities to enable them to perform the essential functions of their jobs and to enjoy equal benefits and privileges of employment, unless providing such accommodation would impose an undue hardship on the operations of the County.</p>
PURPOSE:	<p>The purpose of this policy is to set forth the equal employment opportunity responsibilities of Nassau County and its employees and to provide a procedure for reporting and investigating allegations of discrimination, sexual harassment or retaliation as defined herein. In addition, this policy contains the procedure for employees and applicants to request a reasonable accommodation for a disability.</p>

SCOPE:	<p>This policy applies to all Nassau County employees and its protections may also cover those who apply for employment with Nassau County. Employees* include non-supervisory staff, supervisors, managers, and department heads. Employees include all employees regardless of title, salary, grade, bargaining unit, employment status (permanent, temporary, seasonal, provisional, full time and/or part time) or jurisdictional classification (exempt, non-competitive, competitive or labor class).</p> <p>*Nassau Community College employees must follow the Nassau Community College Affirmative Action and Equal Employment Opportunity policy.</p>
TABLE OF CONTENTS:	<p>Laws And Regulations2</p> <p>Definitions3</p> <p>I. Equal Employment Responsibilities of Nassau</p> <p>County and Employees7</p> <p>Duties7</p> <p>Prohibited Conduct.....8</p> <p>II. Complaint and Investigation Procedure8</p> <p>Reporting8</p> <p>Initial Complaint8</p> <p>Investigation of Complaints9</p> <p>Privacy and Confidentiality11</p> <p>Withdrawing a Complaint.....11</p> <p>Other Places to File a Complaint11</p> <p>III. Reasonable Accommodation Procedure12</p> <p>Who May Request a Reasonable Accommodation.....12</p> <p>Confidentiality of Medical Information.....12</p> <p>Reasonable Accommodation Procedure13</p> <p>Department Response14</p> <p>Remedies14</p> <p>IV. Availability and Distribution14</p> <p>V. Training.....15</p> <p>Appendix A: EEO Complaint Form</p> <p>Appendix B: Request for Reasonable Accommodation for Disability Form</p> <p>Appendix C: Executive Order 2-2003</p>
LAWS AND REGULATIONS:	<p><i>Title VII of the Civil Rights Act of 1964, (42 U.S.C. §2000e, et seq.).</i> Prohibits discrimination and harassment based on race, sex, color, religion or national origin.</p> <p><i>Age Discrimination in Employment Act of 1967, (29 U.S.C. §621, et seq.).</i> Prohibits discrimination and harassment against applicants and employees age 40 and over.</p> <p><i>The Equal Pay Act of 1963, (29 U.S.C. §206).</i> Requires equal salary</p>

	<p>and fringe benefits between men and women in the same establishment for equal work on jobs requiring equal skill, effort and responsibility performed under similar working conditions.</p> <p><i>The Americans with Disabilities Act</i>, (42 U.S.C. §1201, et seq.). The ADA and ADA Amendments Act of 2008 make it unlawful to discriminate or harass a qualified individual with a disability. The ADA also requires that employers make reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability unless providing such an accommodation results in an undue hardship to the employer. A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question. The ADA Amendments Act revises the definition of “disability” to more broadly encompass impairments that substantially limit a major life activity. The Act also states that mitigating measures, including assistive devices, auxiliary aids, accommodations, medical therapies and supplies (other than eyeglasses and contacts), and medications have no bearing in determining whether a disability qualifies under the law.</p> <p><i>Genetic Information Nondiscrimination Act</i>, (42 U.S.C. §2000ff, et sec). GINA makes it illegal to discriminate against applicants or employees because of genetic information. GINA also prohibits the use of genetic information in making employment decisions, restricts employers from requesting genetic information, and limits the disclosure of genetic information.</p> <p><i>New York State Human Rights Law</i>, (N.Y. Exec. Law §290, et seq.). Prohibits a refusal to hire or discrimination in compensation, terms, conditions or privileges of employment based on age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status, domestic violence victim status, retaliation.</p> <p><i>Nassau County Administrative Code, Chapter XXI, Title C.2, Amended by Local Law 7-2004.</i> Prohibits an employer from refusing to hire or discriminating against any individual in compensation or in terms, conditions or privileges of employment, because of the actual or perceived gender, race, color, creed, national origin, disability, age, religion, source of income or sexual orientation of any such individual.</p> <p><i>Nassau County Executive Order No. 2-2003.</i> Establishes the Office of Equal Employment Opportunity within the Nassau County Department of Human Resources and provides for the development and implementation of EEO policies, procedures and programs for Nassau County.</p>
DEFINITIONS:	<p>COUNTY – The County of Nassau including all departments, bureaus and offices normally associated with the business of government.</p>

	<p>The County does not include public benefit corporations, towns, cities, public libraries, bridge authorities, water and/or fire districts including but not limited to Nassau County Off Track Betting Corporation, Nassau County Healthcare Corporation, Nassau University Medical Center, and/or Nassau County Society for the Prevention of Cruelty to Animals,</p> <p>COMPLAINANT – The individual who seeks redress by filing a complaint under this policy.</p> <p>DEPARTMENT HEAD – The terms “Department Head”, “Appointing Authority” and “Agency Head” refer to the government official who is charged with making significant decisions regarding employees including hiring/firing and discipline. For the purposes of this policy, a Department Head may be an elected or appointed head of the government unit or the official designated by the appointed or elected official to make such decisions. A Department Head may be a Commissioner, Executive Director or Director. The terms Department Head, Appointing Authority, and Agency Head are interchangeable throughout this policy.</p> <p>DISABILITY – The term “disability” means, with respect to an individual (a) a physical or mental impairment that substantially limits one or more major life activities of such individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment.</p> <p>EEO DIRECTOR – Director of Equal Employment Opportunity. The EEO Director reports to the Director of Human Resources and consults with the Director of Human Resources, as needed, on the overall policy, plan and program administration. The Director of Human Resources reports to the Chief Deputy County Executive.</p> <p>EEO REPRESENTATIVES – Appointed individuals responsible for receiving and investigating complaints of conduct in violation of the County EEO Policy and receiving and facilitating requests for reasonable accommodations for disabilities. Each Department is assigned an EEO Representative. The names of EEO Representatives will be posted at Agency and Department Human Resources offices throughout the County. EEO Representatives may also be contacted through the Office of Equal Employment Opportunity at 516-571-6176.</p> <p>ESSENTIAL JOB FUNCTIONS – Job functions which are fundamental to the position for which an accommodation has been requested. A job function is essential if not performing that function would fundamentally change the job or occupation for which the position exists. Factors relevant to determining essential job functions include, but are not limited to: The</p>
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	<p>Department’s judgment; civil service job descriptions; the amount of time the function is actually performed by other employees in the position; number of other employees available to whom the function could be reallocated by job restructuring; consequences to the operation of the County if the function is not performed by the particular disabled individual; the terms of the collective bargaining agreements.</p> <p>GENETIC INFORMATION – Genetic information includes information about an individual’s genetic tests and the genetic tests of an individual’s family members, as well as information about the manifestation of a disease or disorder in an individual’s family members (i.e., family medical history). Genetic information also includes an individual’s request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual, and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.</p> <p>MAJOR LIFE ACTIVITY – Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. The following rules of construction will be used in determining if an individual is substantially limited in a major life activity: (i) an impairment does not need to prevent or severely or significantly restrict a major life activity to be considered “substantially limiting”; (ii) the term “substantially limits” is to be construed broadly in favor of expansive coverage to the maximum extent permitted by the terms of the ADA; (iii) the determination of whether an impairment substantially limits a major life activity requires an individualized assessment; (iv) with one exception (“ordinary eyeglasses or contact lenses”), the determination of whether an impairment substantially limits a major life activity will be made without regard to the ameliorative effects of mitigating measures, such as medication or hearing aids; (v) an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active; and (vi) the determination of disability should not require extensive analysis.</p> <p>REQUISITE JOB QUALIFICATION – A disabled individual must be otherwise qualified for the job by education, skill, experience, ability, etc., to the same extent that such education, skill</p>
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	<p>experience, ability, etc., are required as bona fide job qualifications for non-disabled applicants or employees. The disabled individual must be able, with or without accommodation, to attain “reasonable performance”. Reasonable performance is not perfect performance or performance unaffected by the disability, but reasonable job performance, reasonably meeting the County’s needs to achieve its business goals. The Department’s judgment as to what is minimum acceptable performance will be given substantial weight, so long as standards for performance are applied equally to all employees in the same position within that Department.</p> <p>PROTECTED ACTIVITY – Includes opposing any prohibited conduct, filing a charge or complaint alleging prohibited conduct, participating in any investigation of such allegations, or seeking a reasonable accommodation for a disability or religious observance. Protected activities do not have to be ultimately substantiated but must have a good faith basis.</p> <p>REASONABLE ACCOMMODATIONS FOR DISABILITY – The term “reasonable accommodation” means actions taken which permit an employee or prospective employee with a disability to perform in a reasonable manner the activities involved in the job or occupation sought or held and include, but are not limited to, provision of an accessible worksite, acquisition or modification of equipment, support services for persons with impaired hearing or vision and modified work schedules provided, that such actions do not impose an undue hardship on the operation of the County. If more than one alternative is identified as an effective accommodation, the Department may choose the accommodation that best meets its needs.</p> <p>REASONABLE ACCOMMODATIONS FOR RELIGIOUS OBSERVANCE – The County will permit reasonable accommodations that allow an individual to respect his/her religious observances, traditions or beliefs, unless to do so would cause undue hardship to the operation of the County.</p> <p>RESPONDENT – The individual or individuals named by the Complainant as being responsible for the alleged discriminatory, harassing or retaliatory behavior.</p> <p>RETALIATION – Adverse action taken against an employee or applicant for employment who asserts his or her equal employment opportunity rights by: 1) opposing discrimination in the workplace; 2) complaining about prohibited conduct; or 3) participating in the complaint, investigation or reasonable accommodation process which could well dissuade a reasonable worker from making or supporting a charge of discrimination.</p> <p>SEXUAL HARASSMENT – Unwelcome sexual advances, requests</p>
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	<p>for sexual favors, and other verbal or physical conduct of a sexual nature when: 1) submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment may involve individuals of the same or different genders.</p> <p>UNDUE HARDSHIP - Accommodations that would be excessively costly, extensive, substantial, disruptive or that would fundamentally alter the nature of the Department's or County's business. Accommodations that pose an "undue hardship" on the Department and or County will not be required. Any relevant factor may be considered in determining whether an accommodation would result in undue hardship, including, but not limited to: The nature and net cost of the accommodation; the financial resources of the Department making the accommodation; the size of the Department and number of employees; the overall financial resources of the County; the type and location of facilities of the covered entity; the effect of the accommodation on other employees; the impact of the accommodation on the operation of the Department that is making the accommodation; and the terms of a collective bargaining agreement.</p>

I. EQUAL EMPLOYMENT RESPONSIBILITIES OF NASSAU COUNTY AND EMPLOYEES

DUTIES	<p>All employees must take appropriate measures to ensure that discrimination, sexual harassment and/or retaliation do not occur in the workplace. Appropriate disciplinary action, up to and including dismissal, will be taken against employees who engage in such activity or who otherwise violate this policy, applicable state and federal laws, or the non-discrimination provisions of the collective bargaining agreements. All employees have a duty to fully cooperate in EEO investigations.</p> <p>Department Heads have a duty to provide a workplace free from discrimination, sexual harassment and/or retaliation. In addition to setting the tone of the work environment and assessing and monitoring the workplace for illegal discrimination, harassment and retaliation, the</p>
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	<p>duty of Department Heads includes disseminating this policy to staff.</p> <p>The County will take appropriate action to provide reasonable accommodations to qualified employees and applicants with disabilities, unless providing such accommodations creates an undue hardship on the operation of the County.</p> <p>The County will provide accommodations for religious observance, but may deny a request when any accommodation will create an undue hardship on the operation of the County.</p>
PROHIBITED CONDUCT	<p>Discrimination based on age, race, creed, color, national origin, sexual orientation, military status, sex, disability, genetic information, predisposing genetic characteristics or carrier status, marital status or domestic violence victim in the course of hiring and employment with Nassau County.</p> <p>Sexual harassment, including but not limited to sexually suggestive remarks, pictures, images, gestures, unwelcome touching, verbal abuse of a sexual nature, subtle or direct propositions for sexual favors and/or other unwelcome verbal or physical conduct of a sexual nature is prohibited.</p> <p>It is a violation of this policy to retaliate against or harass any person who engages in the protected conduct of asserting his or her rights regarding employment discrimination by: 1) opposing discrimination in the workplace; 2) complaining about prohibited conduct; or 3) participating in the complaint, investigation or reasonable accommodation process.</p>

II. COMPLAINT AND INVESTIGATION PROCEDURE

DISCRIMINATION, HARASSMENT/SEXUAL HARASSMENT, AND RETALIATION

REPORTING	<ul style="list-style-type: none"> Any employee or job applicant with Nassau County who believes he or she has been subjected to illegal discrimination in violation of this policy or who witnesses others being subjected to improper conduct in violation of this policy is urged to report the alleged act(s) as soon as possible. Employees may report alleged act(s) to their EEO Representative or the Director of Equal Employment Opportunity. Employees will not be retaliated against for consulting with an EEO Representative regarding actual or suspected discrimination and/or harassment or for filing a complaint or cooperating in an investigation.
INITIAL COMPLAINT	<ul style="list-style-type: none"> A complaint of discrimination or harassment may be made verbally or in writing and may be brought by any person having knowledge of the discrimination, harassment or retaliation.

	<p>Employees are encouraged, but not required, to use the annexed EEO Complaint form. An employee, who files a written report not on the prescribed form, may be asked to complete the official County form. If necessary, assistance will be provided in completing the form.</p> <ul style="list-style-type: none"> • The EEO Representative who receives a complaint of discrimination or harassment must document information relevant to the complaint, including the date and time of the initial meeting with the complaining party, the dates of any incidents, substance of the complaint and the names of individuals who were involved or witnessed the incidents. The EEO Representative who receives a complaint must report it to the EEO Director as soon as possible but no later than one week after receipt of the complaint.
INVESTIGATION OF COMPLAINTS	<ul style="list-style-type: none"> • The EEO Director will determine whether an initial complaint sets forth the elements of a violation of the EEO policy. In order to make such determination, the EEO Director may undertake a limited inquiry as to whether a materially adverse employment action was taken, whether a protected classification is at issue or, whether any other indicia of improper disparate treatment or disparate impact occurred which would require investigation to substantiate. At the conclusion of a limited inquiry, Complainants will be advised whether the allegations are appropriate for investigation pursuant to the EEO policy. • If the EEO Director determines that the complaint is appropriate for review pursuant to this policy, the EEO Director shall direct the EEO Representative to immediately initiate an investigation. The EEO Director may at any time determine that a matter warrants his or her attention and that s/he shall take part in the investigation, take over the investigation or direct the EEO Representative to expedite the investigation. • Upon receipt of a complaint alleging that a Department Head or Deputy County Executive has engaged, or is engaging, in unlawful discriminatory conduct, retaliation or harassment, the EEO Director shall assign the EEO Representative to investigate the complaint or, the EEO Director shall, at his or her discretion, conduct the investigation. Upon receipt of a complaint alleging that a Department Head has engaged, or is engaging, in unlawful discriminatory conduct, retaliation or harassment, the EEO Director shall notify the Chief Deputy County Executive. If an allegation of harassment or discrimination is made by or about a Deputy County Executive, the EEO Director shall notify the Chief Deputy County Executive. If an allegation of harassment or discrimination is made by or about the Chief Deputy County Executive, the EEO Director shall notify the County Executive. If an allegation of harassment or discrimination is made by or about

	<p>an employee of the Office of Equal Employment Opportunity, the allegation will be investigated by an official to be designated by the County Executive or his/her designee.</p> <ul style="list-style-type: none"> • If a complaint of harassment, discrimination or retaliation is also filed with a federal, state or local agency charged with prosecuting employment discrimination claims, the Office of Equal Employment Opportunity may refer the matter to the Nassau County Attorney's office. • The EEO Representative shall conduct a prompt, thorough and fair investigation of the allegations in the complaint, including, as appropriate, interviews of the parties involved and any relevant or necessary witnesses, review of any relevant available records and such other actions as s/he determines necessary. A person who has been named as the respondent in the complaint shall be informed of the nature of the complaint and shall have an opportunity to respond in writing or in person, or both. Such respondent, and all witnesses identified by the investigator as relevant, shall have the obligation to cooperate in the investigation. All investigations shall be in conformance with applicable collective bargaining agreements. • The EEO Representative shall complete the investigation and make a preliminary determination on the complaint no later than sixty (60) days from the filing of a complaint. If an extension of time is required, approval must be obtained from the EEO Director. • The EEO Representative shall make a confidential written report of the investigation and preliminary determination for review by the EEO Director. The EEO Director shall make a determination and forward a copy of the report to the Department Head, Director of Human Resources and Deputy County Executive to whom the Department Head reports. The EEO Director and the Department Head shall review the report and meet with the Director of Human Resources to determine appropriate corrective action, if any. The Department Head shall take such corrective action and report such action to the Director of Human Resources, the EEO Director and the Chief Deputy County Executive. • Corrective action may include measures necessary to address the impact that any conduct in violation of County policy has had on the complainant and others in the workplace. Corrective action may also include, but is not limited to, disciplinary measures such as formal reprimand, suspension, probation, transfer, demotion, fine or termination. All corrective measures shall be taken in accordance with any applicable provisions of law and/or collective bargaining agreements. Documentation of any corrective action taken to resolve an EEO complaint shall be
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	<p>placed in a file maintained in the Office of Equal Employment Opportunity and the Respondent's personnel file in accordance with any applicable law and/or collective bargaining agreement.</p> <ul style="list-style-type: none"> • The Complainant(s) and Respondent(s) shall be advised in writing of the outcome of the complaint.
PRIVACY AND CONFIDENTIALITY	<ul style="list-style-type: none"> • Employees have the right to meet privately with the EEO Representative during working hours. Reasonable leave requests to meet with an EEO Representative shall not be denied; however, the employee shall obtain prior approval from his/her supervisor before leaving a work assignment. The employee need not disclose the details or the purpose of the meeting. Managers and supervisors shall allow employees to meet regarding EEO matters at the earliest practicable time consistent with the operational needs of their units. • The EEO Representative shall arrange to meet with the person complaining of discrimination, harassment or sexual harassment in a Nassau County office or facility that will promote confidentiality. • Reasonable efforts will be made to maintain the confidentiality of the information provided in connection with a complaint and to protect the privacy of the individuals involved. It should be noted, however, that subsequent developments in an investigation, or litigation, may require disclosure.
WITHDRAWING A COMPLAINT	<p>A complaint of discrimination or harassment may be requested to be withdrawn at any time by the person who filed the complaint. Any request for withdrawal must be written and signed by the complainant.</p> <p>In the event a complaint is withdrawn, the EEO Director shall determine in consultation with the Director of Human Resources whether it is necessary to continue the investigation and whether evidence has been found that requires the County to take further action. The EEO Director shall document such assessment and shall notify all parties to the complaint, the Department Head, the Director of Human Resources and the Chief Deputy County Executive.</p>
OTHER PLACES TO FILE A COMPLAINT	<p>Any person who believes that s/he has experienced discrimination has a right to file a formal complaint with federal, state or local administrative agencies. A person does not give up this right when s/he files a complaint with the Nassau County Office of Equal Employment Opportunity. The following federal, state and county agencies investigate discrimination, harassment, sexual harassment and enforce applicable laws:</p> <p>U.S. Equal Employment Opportunity Commission 131 M Street NE</p>

	<p>Washington, D.C. 20507 Phone: (800) 669-4000 TTY: (202) 663-4494 -or- 33 Whitehall Street New York, New York 10004 Phone: (212) 336-3620 TTY: (212)336-3622 www.eeoc.gov</p> <p>New York State Division of Human Rights One Fordham Plaza Bronx, New York 10458 Phone: (718) 741-8400 www.dhr.state.ny.us</p> <p>Nassau County Commission on Human Rights 240 Old Country Road, Suite 606 Mineola, New York 11501 Phone: (516) 571-3662 www.nassaucountyny.gov</p>
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III. REASONABLE ACCOMMODATION PROCEDURE

WHO MAY REQUEST A REASONABLE ACCOMMODATION	Employees or applicants for employment with disabilities may request reasonable accommodation, regardless of title, salary, grade, bargaining unit, employment status (permanent, contingent, temporary, provisional, full time and/or part time) or jurisdictional classification (exempt, non-competitive, competitive or labor class).
CONFIDENTIALITY OF MEDICAL INFORMATION	Departments will keep medical information in files in a secure location separate from personnel files and will designate a specific person or persons to have access to the medical file. Supervisors and managers may nevertheless be informed of an employee's restrictions on work or duties as well as other necessary accommodations. In addition, first aid and safety/security personnel may be informed, when appropriate, regarding an employee's need for accommodation if such accommodation will impact emergency evacuation procedures, or require specific procedures in case of certain emergency situations
REASONABLE ACCOMMODATION REQUEST PROCEDURE	<ul style="list-style-type: none"> An employee or applicant seeking an accommodation may make a verbal or written request to the EEO Representative or, in the alternative, the EEO Representative will reduce the request to writing. A Request for Reasonable Accommodation form is annexed as Appendix B to the EEO policy. If assistance is

	<p>needed to complete the form, the EEO Representative will provide assistance. The County reserves the right to require substantiation of a request for accommodation including but not limited to documentation from a treating healthcare professional and/or a medical examination by a medical provider designated by the County for this purpose.</p> <ul style="list-style-type: none"> • After receiving an accommodation request, the EEO Representative shall indicate on the Request for Reasonable Accommodation form the date the request was received and shall notify the Department Head and the EEO Director of the request within two (2) business days of receipt of the request. • Department Heads, in conjunction with the EEO Representative, shall review requests for reasonable accommodation. The reasonable accommodation process should be flexible and interactive, involving both the employer and the employee or applicant requesting reasonable accommodation. The Department Head may seek technical assistance from a medical professional, state or local rehabilitation agency or disability constituent organization and may also seek the assistance of the County Office of Human Resources, Office of Labor Relations, and/or the Department's fiscal officer in determining how to accommodate a particular individual in a specific situation. • The Department Head and EEO Representative shall promptly review the Request for Accommodation and shall: <ul style="list-style-type: none"> ○ Determine whether the individual has a disability; ○ Examine the essential functions of the job as defined by the Nassau County Civil Service Commission and the Department Head; ○ Review documentation in support of the request, if applicable; ○ Consult with the individual with a disability to determine his/her specific physical or mental abilities and limitations as they relate to the activities involved in the position; ○ If any technical or other assistance has been requested, review any information received; ○ Review the individual's suggested reasonable accommodation(s); if there are several effective accommodations that would provide an equal employment opportunity, consider the preference of the individual with a disability and select the accommodation that best serves the needs of the individual and the Department without undue hardship to the County.
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DEPARTMENT RESPONSE	<p>The Department shall make its determination and respond within ten (10) business days of receipt of the accommodation request or, where appropriate, within ten (10) business days of receipt of requested medical verification or additional information necessary to the interactive process as described in the Reasonable Accommodation Procedure. If the request for an accommodation is approved, the Department shall provide the accommodation without undue delay.</p> <p>The EEO Representative is responsible for completing and forwarding the Department's response to the EEO Director within ten (10) business days of the Department's final determination. The form must include a description of the accommodation proposed.</p>
REMEDIES	<p>An employee or applicant for employment who believes (s)he has been discriminated against on the basis of disability may file an internal discrimination complaint pursuant to the Complaint and Investigation Procedure outlined in Part II of the EEO policy. An individual who has been denied a reasonable accommodation may also pursue a formal complaint with the federal, state or local administrative agencies listed on page 10.</p>

IV. AVAILABILITY AND DISTRUBTION

AVAILABILITY AND DISTRIBUTION	<ul style="list-style-type: none"> • Department Heads shall make this policy available to employees at the Human Resources units of Agencies and Departments throughout the County. The names of the EEO Departmental Representatives shall also be posted at the Human Resources units of Agencies and Departments throughout the County. This policy is posted on the Nassau County Government Web Site and on the Nassau County Intranet. • New employees shall receive a copy of this policy and contact information for EEO Representatives. New employees are required to read the policy and sign a receipt acknowledging that they are aware of the standards of behavior expected. • A copy of the EEO policy, the names of the EEO Representatives and of the EEO Director, shall be distributed biennially to each employee.
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	<ul style="list-style-type: none"> Complaint forms and the form for requests for reasonable accommodation may be obtained by contacting the Office of Equal Employment Opportunity at 516-571-6176, EEO Departmental Representatives, the Department of Human Resources, the Nassau County Government Web Site, and/or the Nassau County Intranet.
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V. TRAINING

TRAINING	The County will conduct training and educational sessions in accordance with the requirements of this policy.
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APPENDIX “A”: EEO COMPLAINT FORM.

APPENDIX “B”: REQUEST FOR REASONABLE ACCOMMODATION FOR DISABILITY FORM.

APPENDIX “C”: EXECUTIVE ORDER 2-2003.



Appendix A

Nassau County EEO Complaint Form

INSTRUCTIONS: Please print and use ink. Complete the form and file with your EEO Representative. Retain a copy for your records.

Name: _____

Address: _____

Position Title: _____ Department: _____

Supervisor: _____

Phone: Business () _____ Home () _____

I prefer to be contacted at: __Home __Work __Days _____ Time _____

Are you a current Nassau County Employee? __Yes __No

Person to contact if I cannot be reached: _____
Name phone

1. Please describe the incident(s):

2. On what basis do you believe your Equal Employment Opportunity rights are at issue? (Please check all that apply.)

Age __, Race __, Creed __, Color __, National Origin __, Sexual Orientation __,
Military Status __, Sex __, Disability __, Genetic Information __, Predisposing Genetic
Characteristics, __, Marital Status __, Domestic Violence Victim __, Retaliation __.

3. Please give the date of the incident(s); and, if ongoing, please identify the time period:

4. If there are witnesses to the incident(s) who may be able to help in the investigation, please list their names, job titles and phone numbers (if possible).

5. What action do you think the County should take to resolve this complaint?

6. Have you filed a grievance with your union regarding this matter? __Yes __No
(Filing this complaint does not preclude you from filing elsewhere)

If you have filed a grievance with your union please answer the following:

a. Date grievance was filed?

b. Name of representative organization.

7. Have you filed a complaint on this matter with any other agency? If so, please specify:

Equal Employment Opportunity Commission, Complaint filed on _____

New York State Human Rights Commission, Complaint filed on _____

Nassau County Commission on Human Rights, Complaint filed on _____

8. Please add any additional information which may be helpful in investigating this complaint.

I have been provided a copy of the Nassau County Equal Employment Opportunity policy and have been given an opportunity to meet with my EEO Representative. I understand that the County will determine whether my complaint is appropriate for review pursuant to the Nassau County Equal Employment Opportunity policy. I understand that the investigation of this complaint will be conducted in accordance with the procedures set forth in the Nassau County Equal Employment Opportunity policy. I also understand that I may withdraw my complaint, but that the County may continue to investigate my complaint if the County determines that an investigation is appropriate.

Signature of Complainant

Date



Appendix B

Request For Reasonable Accommodation

INSTRUCTIONS

This form is to be used by Departments in analyzing employee/applicant requests for reasonable accommodation for disabilities. Part One is to be completed by the employee and given to his/her Department EEO Representative. Part Two is to be completed and signed by the EEO Representative and Department Head. The EEO Representative must then forward the original forms to the Office of Equal Employment Opportunity.

PART ONE

INSTRUCTIONS: Please print and use ink. Employees requesting reasonable accommodation for disability are to complete this form and file it with their Department EEO Representative. Retain copies for your records. If you require assistance completing this form, please contact your EEO Representative and assistance may be provided to you.

Name: _____

Address: _____

Position Title: _____ Department: _____

Supervisor's Name: _____

Phone: Business () _____ Home () _____

1. Please describe the job duties expected of you for which you are requesting accommodation.

2. Please describe why you are requesting an accommodation. (Attach medical documentation in support of your request if relevant.)

3. Please describe any suggested reasonable accommodation.

Employee/Applicant's Signature: _____ Date: _____

THIS FORM CONTAINS CONFIDENTIAL INFORMATION AND MUST BE KEPT SEPARATE FROM PERSONNEL RECORDS.

PART TWO

INSTRUCTIONS: This section is to be completed and signed by the EEO Representative and Department Head and forwarded to the Office of Equal Employment Opportunity.

1. If the employee/applicant's need for an accommodation is not obvious, please request that the employee provide documentation in support of the request for accommodation.
2. What are the activities involved in the employee/applicant's position? Documentation, including but not limited to class specifications, performance standards, list of daily tasks, etc. must be attached to this form.
3. If the requested accommodation is granted, will it fundamentally alter the position or impact any other employee's job duties or position? Explain.
4. What specific duties require accommodation? Are these duties essential to the employee/applicant's position?
5. Are alternative accommodations possible? Explain.
6. What accommodation do you recommend? If none, explain.

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PART TWO, PAGE 2

7. What is the estimated cost of the accommodation?

8. Is an accommodation approved or denied? Explain.

Department Head: _____ Date: _____

EEO Representative: _____ Date: _____

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Appendix C

Executive Order No. 2-2003

EXECUTIVE ORDER BY THE COUNTY EXECUTIVE PURSUANT TO SECTION 203 OF THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY

WHEREAS, Nassau County is committed to a policy of equal employment and prohibits discrimination in employment on the basis of age, gender, alienage or citizenship status, race, color, creed, ethnicity, national origin, marital status, sexual preference or disability; and

WHEREAS, Nassau County actively seeks to create diversity and equality in the workplace; and

WHEREAS, County employees have the right to enjoy a workplace characterized by civility and mutual respect, free of discrimination or sexual harassment; and

WHEREAS, in order to protect the rights of employees to be free of discrimination and sexual harassment in the workplace, and to promote mutual respect, the County must take measures to inform and educate its workforce and to establish effective mechanisms that will investigate and address instances of such discrimination and harassment and to ensure that no employee is retaliated against for complaining against such discrimination or harassment; and

WHEREAS, I find it necessary and desirable to provide as follows for the protection from discrimination and sexual harassment of employees of the County pursuant to the authority vested in me by section 203 of the Charter, now, therefore, be it

ORDERED, that an Equal Employment Opportunity (“EEO”) Office be established within the Nassau County Department of Human Resources, to be headed by a Director who shall report to the Director of Human Resources and who shall be responsible for the design, implementation and administration of EEO activities throughout the County, including, but not limited to, the dissemination of information, the education of employees, the training of persons to investigate complaints of discrimination and harassment and the investigation and resolution of such complaints; and be it further

ORDERED, that each head of a department in Nassau County shall, in consultation with the EEO Director and the Director of Human Resources, appoint an EEO Representative, who shall be charged with EEO responsibilities, including the investigation of complaints; and be it further

ORDERED, that each Deputy County Executive shall appoint an EEO Representative who shall be charged with EEO responsibilities, including the investigation of complaints; and be it further

ORDERED, that each Deputy County Executive shall appoint an EEO Representative who shall be charged with EEO responsibilities with respect to the departments supervised by such Deputy County Executive; and be it further

ORDERED, that the EEO Director shall develop policies, procedures and programs that will further the goals set forth in this Executive Order and will ensure that the County fully complies with all applicable laws regarding discrimination and sexual harassment, including, but not limited to, policies setting forth requirements for the education and dissemination of information to employees, the training of supervisors, the training of EEO Representatives, and procedures for initiating, investigating, and resolving complaints of discrimination or sexual harassment.

**Thomas R. Suozzi
County Executive**

Dated February 2003

